

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>AUDREY ALLEN HIMES,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-16-227-R</b>
	)	
<b>ARTURO SALDANA,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

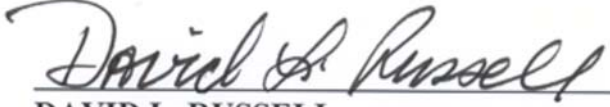
Before the Court is the Report and Recommendation of United States Magistrate Judge Suzanne Mitchell that summary judgment be entered in favor of Defendant. (Doc. No. 36). No objection to the Report and Recommendation has been filed nor has an extension of time in which to object been sought or granted.

Since the Report and Recommendation was handed down, Plaintiff has filed a motion to dismiss his claim. Because Plaintiff has not obtained a stipulation of dismissal signed by all parties who have appeared pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), dismissal may only occur by court order. Defendant does not object to dismissal and has stipulated to dismissal with prejudice of Plaintiff's claim.

In any event, the Court ADOPTS the Magistrate's Report and Recommendation. To the extent that Plaintiff meant his Motion to Dismiss or Vacate (Doc. 41) to operate as an objection to the Magistrate's Report and Recommendation, then the Court will GRANT Plaintiff's Motion to Dismiss pursuant to Federal Rule of Civil Procedure

41(a)(2). Plaintiff's claim is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED this 30<sup>th</sup> day of January, 2017.

  
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DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE